B. & Sh.

App. F. IX-4

1927-28 (Law)

File No. 62-27

Previous References

96. 132-2), 546.

Serial Nos.

Later References

P

General and Revenue Secretariat.

Serial Nos.

Part B for

SUBJECT

CL 179 27-28 Will Land. Chiefs &c.
(Rudraksha &c.) Govt

BI Gyanpur
15/1/28

1905 a·17 of 27·28 D.C. Shimoga (2)

App F. III—2]

General and Revenue Secretariat

Law File No. 62 of 1927

Serial No.

Letter from PP, Shimoga, No: 139 dated 4·11·28 forwarding a draft ~~-~~ vs for approval & signature of Ch Sec

1) The file relating to this matter is sent to the Development Branch (Dto: 1664 dated 10/10/28) in connection with the proposal of settling the suit out of Court.

6) The written statement on behalf of the C. R. Ramadas, 2nd deft, alleges a condition precedent to the contract viz a warranty of soundness of the pump =

7) The draft statement on behalf of Govt adopts that of the 2nd deft and also contends that the 2nd deft in purchasing the pump did not act on behalf of Govt & as such the Govt is not liable for the suit claim -

8) The suit is posted to 6-11-28 ie tomorrow - Since the D.R is now engaged in the Committee, it is difficult to get his orders today - Draft of a letter to P.P requesting him to take a petition for short adjournment for approval -

Dorf
6/11/28
5/11

9) Issue as above & submit to D.R

5/11

TO

Public Prosecutor, Shimoga

Letter No P 2390 dated 5·9·28

NOTE—Contn. sheet

Serial No.

To the Public Prosecutor, Shimoga
No P 26858 27-11-28
Requests him to take a further adjournment as the question of settlement of the plaintiff's claim out of court is still under consideration vide the Dir of Dte

Secs
Noted
28/11/28

Letter No 162 from PP.r mysore intimating that the suit is adjd to 17.12.28 & that if no settlement is made by the time, the draft ws. may be got typed by Ch Secy & returned for being filed in Court

Draft ws. is flagged r. Meanwhile the Development branch may be requested to state if any reply is received from the D of Dte.
(Refer para 15 above)

Noted
4/12/28
4/12

To the Dev't Br with reference to paras 15 & 16 above.

GEN. & REV. SECRETARIAT
4 DEC. 1928
DEVELOPMENT BRANCH

From the Dir. Dte
No. E1-1372/27-28 & 29.11.28.
States that a written statement referring to the oral understanding may be prepared and put in by the Public Prosecutor in the case and that he should instruct the Engineering Dept. to retire from the case and get a court decree in the case

NOTE—Contn. sheet

O.S. 17 of 27-28 DFC Shimoga

2565

General and Revenue Secretariat

Law File No. 62

App F. III—2]

of 1927

Serial No.

To The PPr Shimoga.

P 3162/Sec 1 dated 13.12.28 returning the W.S. duly signed by Ch: Secy.

Sec
mnp
14/12/28

Letter no. 183 dated 19.12.28 from the PPr Shimoga acknowledging receipt of the W.S. & requesting for the return the copy of the plaint sent with his previous letter

Draft returning the plaint
put up.

mnp
20/12/28

Sec
24/12

To the Public Prosecutor, Shimoga

No. P 3341 of 22-12-28.

Returns the copy of the plaint in O.S. 17 of 27-28 on the file of the Dist Judge, Shimoga.

Sec
mnp
26.12.28

B & Sec
mnp
7.1.29

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

1664/28

SHIMOGA,

No. 117.

Date 9th October, 1928.

11/21
D Secy 9/10

From

N. SESHA SASTRI, ESQ., B. A., B. L.,
Public Prosecutor,
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

Re O.S. 17/27-28 (Pudrappa Vs Government) on the file of the District Judge, Shimoga Division.

I have the honor to state that as required by you in your letter No. P. 2049/Law dated 3-10-28, I have ~~the honorxtoxstxkx~~ taken another adjournment for filing the written statement in the case and that the case is posted to 6-11-28 for the purpose.

On further consultation with the Superintendent of Industries, Shimoga, I am given to understand that there was an oral understanding between theplaintiff and himself to the effect that the purchase ~~is~~ should be subject to the condition that the pump should be in good working order. This is evidently a condition precedent to the attaching of any obligation under the subsequent written offer dated 16-3-1925 and may be proved under Sec. 92 Proviso 3 of the Evidence Act. The said officer tells me that the suit may be defended on this, among other grounds. I shall therefore prepare the draft written statement in view of the further instructions given by the said officer and send the same to you for kind approval. If, in the meantime, a settlement out of Court is considered desirable by the Director of Industries and Commerce who has been addressed by you in the matter, the needful will be done on being intimated about it

I have the honor to be,
Sir,
Your most obedient servant,

N. Seshasastri

Public Prosecutor, Shimoga Division.

1905
P 828

No. 139.
Encl. 3.

SHIMOGA,
Date 4th. November, 1928.

From

N. SESHA SASTRI, ESQ., B. A., B. L.,
Public Prosecutor,
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

Re O.S. 17/27-28 (Rudrappa Vs Government and another) on the file of the District Judge, Shimoga Division.

As promised in my letter No. 117 dated 9-10-1928, I have the honor to forward herewith the draft of the ~~xxxx~~ written statement of the 1st. defendant for kind approval and signature of the Chief Secretary.

A copy of the written statement of the 2nd. defendant Mr.C. Rama Rao together with a copy of the plaint is also enclosed for information and return. The two statements are prepared under the instructions given by the said Officer and the record furnished by him.

The date of hearing for filing the written statements is 6-11-1928. I therefore request that this matter may be kindly treated as urgent

The question of settlement out of Court may also be considered and the result of your communication with the Director of industries and Commerce may be kindly intimated to me.

I have the honor to be,
Sir,
Your most obedient servant,

N. Resha Sastri

Public Prosecutor, Shimoga Division.

Appendix F G–1

SUBJECT.....

.....

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61

Diary No. of letter replied to.....

Section

File No.

Serial No.

No. 2390

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Shimoga

Date of issue 5/9/28

Signed by

Sir,

With reference to your letter no: 139 of dated 4th Nov^r 1928 ~~regarding~~ O.S. 17 of 27-28 in the District Court Shimoga, I am directed to request you to take an adjournment for filing of ~~the written statements on behalf~~ serve of ~~Government~~ as the question of settlement out of Court is under consideration. I am to ~~become~~ request that drafts may be sent for approval ~~of the Legal Remembrancer~~ atleast

forwarding draft written statement to be filed

List of enclosures.....

Copied by.....

Examined by.....

over

1960
P 0

No. 143.

SHIMOGA,

Date 7th. November, 1928.

From

N. SESHA SASTRI, ESQ., B. A., B. L.,
Public Prosecutor,
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

Re O.S. 17/27-28, District Court, Shimoga. (Rudrappa Vs Government of Mysore and another.)

With reference to your No.P. 2390/ Law 62-27 dated 5-11-1928 on the above subject asking me to take ~~and~~ an adjournment for filing the written statement as the question of settling the dispute out of Court is under consideration, I have the honor to state that the Court has ~~gx~~ adjourned the case to 30-11-1928 for the purpose and to request that the action taken in the matter may be kindly intimated to me.

I have the honor to be,
Sir,
Your most obedient servant,

N. Sesha Sastri

Public Prosecutor, Shimoga Division.

TELEGRAPHIC ADDRESS :— "INDUSCOM"

In reply please refer to
No. Ej: 1372/27-28
Encls:—

GOVERNMENT OF MYSORE.

DEPARTMENT OF INDUSTRIES AND COMMERCE.

GEN. & REV. DEPARTMENT
4200
30 NOV. 1928
DEVELOPMENT BRANCH

OFFICE OF THE DIRECTOR,
Dated, Bangalore, 29th Novr. *1928*.

FROM

C. RANGANATHA RAO SAHIB, ESQ., B.A., B.L.,
Director of Industries and Commerce in Mysore,
Bangalore (India.)

To

N. Rama Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Development Departments, Bangalore.

SIR,

With reference to your letter No. D. 4989/I & C dated the 15th November 1928 in regard to the written statement to be filed in -- Court in O. S. No. 17/27-28 (Mr. Jigali Rudrappa Vs. Government), I have the honor to state that the Public Prosecutor has written in - the enclosure sent with your letter of the 15th instant that there was an oral understanding between the Plaintiff and ~~himself~~ the Superintendent of Industries to the effect that the purchase should be subject to the condition that the pump should be in working order. Under the circumstances, I am of opinion that a written statement referring to this oral understanding may be prepared and put in by the Public Prosecutor in the case for the present. In the meanwhile, I shall also instruct Mr. C. R. Rama Rao the Superintendent to endeavour to get the case settled out of Court before the case comes up for the settlement of issues.

A copy of this letter has also been sent this day to the Public Prosecutor for his information.

I have the honor to be,
Sir,
Your most obedient servant,
C Ranganatha Rao Sahib
Director.

CRS-USC)

2383
P 28

No. 162. SHIMOGA

Dated 2nd December, 1928.

From

N. SESHA SASTRI, ESQ., B. A., B. L.,
Public Prosecutor.
SHIMOGA DIVISION.

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

With reference to your letter No. J 2885/Law dated 27-12-1928 asking me to take a further adjournment in O.S. 17/27-28 on the file of the District Judge, Shimoga (Jigali Rudrappa Vs Goverment), I have the ~~xxxx~~ honor to state that the case is adjourned to 17-12-1928 for reporting settlement out of Court or filing the written statement. I therefore request you to get the draft of written statement to be filed on behalf of Government sent with my letter No. 139 dated 4-11-1928, signed by the Chief Secretary to Government in case the draft is approved and send the same to me before the date of hearing so that I may file the same in Court in case the question of settling the matter out of Court is not yet settled by that time.

I have the honor to be,
Sir,
Your most obedient servant,

N. Seshasastri

Public Prosecutor, Shimoga Division.

2701
P

10

No 183. SHIMOGA,

Dated 19th.December 1928.

From

N. SESHA SASTRI, ESQ., B. A., B. L.,
Public Prosecutor,
SHIMOGA DIVISION.

To

Law 62 8

The Secretary To Government,
Law Department, Bangalore.

Law 29/12

Sir,

I have the honor to acknowledge receipt of your letter No. P. 3162/72-7 dated 12/13-12-1928 together with the written statement of Government in O.S. 17/27-28, District Court, Shimoga. (Jigali Rudrappa Vs Government.) I filed the written statements of both the defendants on 17-12-1928 and the case is adjourned to 11-1-29 for the reply of the plaintiff. If in the meantime, any settlement out of Court can be effected, the same may done and intimated to me.

The copy of the plaint in the above case sent with my letter NO. 139 dated 4-11-1928 may be kindly returned.

I have the honor to be,
Sir,
Your most obedient servant,

N. Seshasastri

Public Prosecutor, Shimoga Division.